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Third session
Agenda item 4

# Letter dated 26 April 1999 from the Permanent Representatives of Costa Rica and Canada to the United Nations addressed to the Secretary-General

ECR-1040-99

New York, 26 April 1999

Excellency,

We have the honour to transmit herewith the text of the report of the San José meeting of experts of the Costa Rica-Canada Initiative on forests in support of the programme of work of the Intergovernmental Forum on Forests (IFF) (see annex for texts in Spanish, English and French). This meeting of experts was held in San José, Costa Rica from 22 to 26 February 1999.

We would highly appreciate it if the text of the present letter and the enclosed reports be circulated as an official document of the third session of the Intergovernmental Forum on Forests (IFF), to be held in Geneva from 3 to 14 May 1999.

(Signed) Bernd H. Niehaus
Ambassador
Permanent Representative of Costa Rica
to the United Nations

(Signed) Robert R. Fowler
Ambassador
Permanent Representative of Canada
to the United Nations

H.E. Mr. Kofi Annan
Secretary-General to
the United Nations
New York

GE.99-51590 (E)

COSTA RICA – CANADA

# INITIATIVE IN SUPPORT OF CATEGORY III OF THE PROGRAMME OF WORK OF THE INTERGOVERNMENTAL FORUM ON FORESTS (IFF):

INTERNATIONAL ARRANGEMENTS AND MECHANISMS TO PROMOTE THE MANAGEMENT, CONSERVATION AND SUSTAINABLE DEVELOPMENT OF ALL TYPES OF FORESTS

**Sponsored by the Governments of Costa Rica and Canada**

**Report of the**
**Experts meeting, 22-26 February 1999**
**San José, Costa Rica**


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Foreword

This is the report of the Costa Rica-Canada initiative experts meeting held in San José, Costa Rica in February 1999. This report attempts to capture the views of the experts attending the meeting in San José and does not necessarily reflect the views of all experts.

This report is also available in French and Spanish.

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## I. INTRODUCTION.

The first meeting of experts of the Costa Rica – Canada Initiative, in support of the programme of work of the Intergovernmental Forum on Forests (IFF) on Category III, was held in San José, Costa Rica from 22 to 26 of February, 1999.

As directed by the nineteenth Special Session of the U.N. General Assembly on the implementation of the Agenda 21, the Intergovernmental Forum on Forests (IFF) decided to focus its work on three interlinked categories, of which Category III deals with the international arrangements and mechanisms to promote the management, conservation and sustainable development of all types of forests. The IFF agreed that the discussions to be held under Category III "*should identify the possible elements of and work towards a consensus on international arrangements and mechanisms, for example, a legally binding instrument on all types of forests.*"

Building consensus on any subject requires a process of clarifying issues and identifying commonalties in our understanding of it. Costa Rica and Canada share a common desire to contribute to the programme of work of the IFF, by facilitating exchanges of views, engaging a holistic and comprehensive discussion and opening the dialogue to enhance the consideration and identification of elements necessary to build a global consensus on the issue of international arrangements and mechanisms.

The objective of the Costa Rica-Canada Initiative is to initiate a process to identify possible elements[1] and work toward a consensus on the usefulness of having international arrangements and mechanisms, for example, a legally binding instrument on all types of forests. Within this context, the initiative seeks to provide neutral, transparent, participatory and representative for substantive discussion and technical analysis of this issue by a wide range of interested parties. In addition, another goal is that at the end of the Initiative whatever recommendations countries make at the IFF, these recommendations will be drawn from the Initiative and be considered as a basis for discussion by IFF.

This initiative consists of three stages. The first stage of this initiative is the expert meeting held in San José, Costa Rica. The second stage will consist of a series of regional and sub-regional meetings, to take place following the meeting in Costa Rica, in which the benefits and possible elements of international instruments, arrangements and mechanisms on forests will be analyzed from the regional perspective. The third stage will be a final meeting in Canada at the end of 1999, to consolidate the results of the expert meeting in Costa Rica and the contributions of the regional and sub-regional meetings, and produce conclusions and recommendations to be submitted to the fourth session of the IFF.

The Costa Rica-Canada Initiative receives substantive direction and guidance from a Steering Committee (SC) on various aspects including the development of a framework for regional and international meetings and a common approach and documentation for use at regional meetings. At its meeting immediately prior to the San José experts meeting, the SC reiterated the importance of a common approach as a means to facilitate the consolidation of the findings of regional meetings. The SC also reiterated that both legally and non-legally binding instruments would be considered in steps 1-4 of the approach, but that step 5 focus only on legally binding options. At the October 1998 meeting of the Interim Steering Committee held in San José, it was agreed there would be a "dry run" of the first three steps of the approach in the San José meeting (Annex 3) and that regional meetings would conduct all steps.

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[1] Issues from the core set identified as having potential to be addressed in an international instrument, mechanism or arrangement

The San José experts meeting was attended by 87 experts coming from governments, intergovernmental institutions, non-governmental organizations, indigenous people, women's groups as well as invited speakers (Annex 1), reflecting a wide range of interests and views with regard to Category III of IFF's mandate.

## II. AGENDA

The San José meeting considered the following agenda items:

- The agreed mandate concerning Category III of the IFF programme of work,
- The experience of Central America with regard to its regional convention on forests,
- Lessons learned from the implementation of other existing instruments,
- General concepts and terms of legal instruments,
- Possible elements of international instruments on forests,
- Guidance for regional and sub-regional consultations,
- Further action required for building consensus over the period of March 1999 to February 2000.

Following the recommendation made by the Steering Committee of the Initiative in October 1998, an approach was proposed to facilitate the compatibility and the consolidation of findings from regional meetings concerning the identification of possible elements of international instruments on forests. The objective of the proposed approach is to serve as a guideline for the regional and international meetings to be held. Each step has its own objective, as follows:

Step 1: To identify a core set of international forest issues.

Step 2: To analyze the level of treatment of the issues of the core set identified in Step 1, in the existing instruments.

Step 3: To identify issues of the core set that could potentially be advanced as elements through international instruments and those that likely would not.

Step 4: To identify a range of legally and non-legally binding instrument options for addressing the possible elements identified in step 3.

Step 5: To improve understanding of the pros and cons of the legally binding options identified in step 4.

Steps 1, 2 and 3 were applied in the San José meeting with the purpose of identifying possible elements of international instruments, reviewing the proposed approach and providing guidance for the regional and sub-regional meeting, which will also consider steps 4 and 5. Some experts expressed concerned that the methodology employed prevented a broader debate on the substantive issues of Category III.

In order to facilitate full participation of experts and enhance discussions, four working groups were organized. Distribution of experts among working groups was made with a view to ensure balance, geographically equitable representation from countries, reflecting a wide range of interests and views from all interested parties. Facilitators assisted the working groups in the use of the proposed approach.

One rapporteur was appointed for each working group in order to present the results of each session in plenary and be part of the drafting committee responsible for the preparation of the meeting's report (See

Annex 2 for lists of rapporteurs and facilitators). The Secretariat of the Initiative assisted the rapporteurs in the drafting of the meeting's report.

The proceedings of the meeting were covered by the Earth Negotiations Bulletin. The report is available on their Web site at www.iisd.ca.

## III. PRESENTATIONS.

The meeting included presentations on the following topics:

1. General concepts and terms of international instruments by Mrs. Barbara Ruis, international law specialist.
2. Central American experience with the regional convention on forests by Mr. Jorge Rodríguez, expert in Central American forestry policy.
3. Lessons learned from the implementation of other existing instruments: implementation of CITES in Costa Rica by Mr. Juan Rodríguez ; implementation of the Convention on Biological Diversity in Costa Rica by Mrs. Vilma Obando ; implementation of the Framework Convention on Climate Change in Finland by Mr. Heikki Granholm and implementation of CITES in Thailand by Mr. Apiwat Sretarugsa .
4. Mr. Markku Aho, Chairman of the Forestry Advisor Group (FAG) presented his paper: "Towards sector support to national forest programmes"

The presentations were followed by discussion periods in order to assist experts in improving their understanding of general concepts and terms of international instruments and of implementation of existing instruments.

## IV. CORE SET OF INTERNATIONAL FOREST ISSUES

As a first step, the Secretariat presented to the Expert meeting a preliminary list of 53 international issues related to forests, as provided in the approach document. The experts considered these issues, reviewed them and identified a core set of international forest issues.

Among their findings, most experts established that all issues on the given list were relevant as issues at all levels (national, regional and global).

The four working groups identified several other issues that were of significance to forests, inter alia, renewable energy, governance, transparency, low forest cover, environmental impact assessments (EIA), monitoring and assessment, extent of national forest cover, and illegal logging and illegal trade of forest product. These issues were added to the initial list provided in Annex A of the approach and the updated list is included in Annex 4a of this report.

Some experts indicated that the list was too broad, some issues were irrelevant to an international perspective and some others could be dealt on a bilateral basis.

The question of "categorisation" or "clustering" of issues was frequently raised and possible solutions were suggested as follows:

**Clustering criteria**

- Issues needing international action at the multilateral level;
- Issues needing guidance to governments;
- Issues needing clarification;
- Issues not needing action at the international level;

Experts discussed and proposed to use for the core set of issues, the classification set out in the UN Secretary General's report (E/CN.17/ IFF/ 1998/9), titled: Management, Conservation, Sustainable Development and Institutions and Policy Instruments. However, neither this classification nor a core set of issues was retained.

The experts expressed wide opinions on the working methodology and its perceived value. All working groups experienced varying degrees of difficulty in reaching an outcome on step one, in particular the criteria one to be applied in the process of identifying those issues requiring international action. As a basis for international consensus, experts referred to the IPF proposals for action and the various regional processes, such as the Helsinki Process on Criteria and Indicators.

Prioritizing the list of issues was not favoured in the absence of a set of criteria fully shared by all. Some participants suggested using the following main categories:

- National Forest Programs;
- Institutional and policy arrangements;
- Trade and environment;
- Governance and participation,
- Socio-economics ( local and international), and
- Global functions, regional and international cooperation.

**Outcome**

The experts supported the list in Annex 4a as a basis for working group discussions, and based on the groups discussion, identified a number of changes to the list which could then guide regional meetings. The revised list is presented in Annex 4b.

## V. TREATMENT OF ISSUES IN EXISTING INTERNATIONAL INSTRUMENTS

The objective of this step was to consider the level of treatment of the issues in the core set identified in Step 1 in the existing instruments

The experts were asked to assess the coverage of the core set of issues identified in existing instruments. Each working group was assigned a subset of the core set of issues (Annex 4a). Working groups concentrated on the following two questions:

*Is the issue considered? If so, is the level of treatment sufficient or insufficient?*

Some groups looked at the issues across the five suggested groups of existing international instruments and related processes: International conventions (Convention on Biological Diversity, UN Framework Convention on Climate Change, Convention to Combat Desertification, Convention on the International

trade in Endangered Species of Wild Flora and Fauna, Convention on Wetlands of International importance, especially of Waterfowl habitat, International Tropical Timber Agreement, 1994), Agenda 21, Forest Principles, IPF Proposals for Action, and various regional processes on criteria and indicators for sustainable forest management.

Results of the Working Groups are set out in Annex 5. These results are derived from the Working Groups and do not necessarily reflect the views of all experts.

**General conclusions**

It was generally understood that most issues contained in the core set were considered in some way or another in various international instruments but that there was insufficient treatment depending on the context of the issues.

It was also recognized that differences in the level of treatment were inevitable when defining the threshold of insufficiency according to the specific instrument considered. For instance, experts stated that the Agenda 21 and the Forest Principles considered more or less all the issues sufficiently, the IPF Proposals for Action considered some issues sufficiently and some insufficiently. The experts also agreed that criteria and indicators processes covered relevant issues sufficiently, but the question of global consistency and application at the national level remained subject to further elaboration.

During this step, potential difficulties were highlighted, that may need to be addressed: for example overlaps in definitions, including diverse aspects for consideration in the format, and others needed clarification.

Experts expressed concern over how "Sufficiency and insufficiency" would be defined, and concluded that there was need for further guidance on the exact meaning of these terms (i.e., is the topic covered by the instrument itself, or in practice/ reality?).

For the exercise's purposes, the experts limited their assessment to how these issues were treated at the international level. Due to the time constraints, further reflection of treatment of these issues at the national and regional levels would be addressed at the regional meetings.

Because of time constraints and limitation imposed by the matrix, there was limited opportunity for experts to explain their opinions on the degree of treatment, and the particular instruments to which they were referring to.

Some issues, such as Forest Assessment, were addressed by international institutions (e.g. FAO), but it was not possible to record this in the matrix. A possible solution would be to include "International Institutions " within " International Instruments" or as a separate heading.

Regarding criterion 9, some experts were confused on what the criterion meant; others found the criterion helpful. In one working group, experts felt the criterion was potentially misleading and applied it with the understanding that it referred to new or existing instruments, not necessarily an international forest convention.

## VI. POTENTIAL TO ADVANCE ISSUES THROUGH INTERNATIONAL INSTRUMENTS

The objective of this step was to identify issues of the core set that could potentially be advanced as elements through international instruments and those that likely would not.

Using the core set of issues identified in Step 1, the aim of this stage in the methodology was to seek guidance from the experts and to propose a list of possible elements that might be included in new or existing international instruments in the short and medium term. Working Groups used the same subset of issues used in the previous step.

The criteria proposed for this step are in Annex B of the approach document.

The results of the Working Groups are set out in Annex 6. These results are derived from Working Groups and do not necessarily reflect the views of all the experts.

**General conclusions:**

As in the first two previous steps, all working groups faced difficulties in understanding the work required, notably the linkages between the criteria and the issues. Again, many experts reiterated the cross cutting complexities of issues. A number of questions were raised: for example, were experts intended to address the *desirability* of advancing issues through international instruments or just the *potential* to advance issues by these means?

Experts limited their assessment and recommendations to the *potential* without considering either desirability or specific mechanisms.

It was also re that because issues would vary between regions, there was no stagnant time frame in dealing with the issues comprehensively. Most experts agreed that all time frames, i.e. short and medium term, had merits for all issues to be advanced in an instrument, but it was difficult to narrow down the time frame without detailed analysis. Experts did not discuss the type of instrument in this context.

## VII. GUIDANCE FOR REGIONAL AND SUB-REGIONAL MEETINGS: REVIEW OF THE PROPOSED APPROACH

Based on the results of the discussions of the working groups while using the approach, an opportunity was provided to the experts to review the approach and provide guidance for the regional meetings as the second stage of the Initiative.

Many experts felt that the proposed approach should be flexible and allow participants to reflect the needs and particularities of each region or sub-region. However, it was also stressed that there is a need for a common and systematic approach that would facilitate the achievement of the objective of the initiative. Through such an approach, the political debate will be better informed.

It was also stated that guidance should draw from the existing consensus documents, in particular the Forest Principles, Agenda 21, IPF proposals for action and IFF programme of work.

Many experts mentioned that there is a need for a clear understanding of terminology used in all steps of the approach.

A number of people indicated that there is scope to simplify the approach, for example through consolidating the steps of the approach. The questions should be simplified. A specific proposal was made along the following lines: (i) what are the reasons for non-sustainable forest management? (ii) find if any issue can be tackled by any form of international arrangement; (iii) what form of arrangement

could be used? It was felt that whatever the final form of the approach, it should be formatted so that for each step, an objective and a product are identified.

It was also stated that regional meetings should seek balance and participation of the technical view and political view. Some people expressed concern that the regional and sub-regional consultations provide sufficient time to apply a common approach, and that regional meetings should consider lessons learned from the implementation of existing instruments, in particular identifying what has been successful in terms of significant changes at the ground level.

Experts felt that it was important that in the planning of regional meetings, care be taken to ensure that experts are adequately briefed, notably with respect to the international forest policy dialogue and on existing forest related instruments. Some experts mentioned the value of organizing national consultations before the regional and sub-regional meetings could take place. It was felt that the results of regional meetings could be greatly enhanced by the contributions provided by this process of national consultations.

Some experts emphasized the importance of all regional meetings taking fully into account the results of IFF3 with regard to Category III, in accordance with the process of the Costa Rica-Canada initiative. It was also mentioned that regional meetings should help to identify the functions of the international regime and forest issues that are not currently adequately addressed at the global level.

Concerning participation, it was mentioned that regional meetings should include a broad array of expertise, notably in the area of implementation of forest policies and programs. It was also mentioned that indigenous people and local communities should be represented at all regional meetings. The point was made that indigenous rights should be part of any future international forest related instrument.

The experts from the Environmental Investigation Agency, the Institute of Cultural Affairs-Ghana, the International Alliance of Indigenous and Tribal Peoples of Tropical forests, the International Indian Treaty Council, the Global Forest Policy Project, Greenpeace International, Mexico's Women NGOs, and Sobrevivencia of Paraguay perceived a lack of opportunities to discuss comprehensively the world's most critical forest problems. In their view, the methodology used was problematic, and they trusted that the organizers would take full account of the methodology's shortfalls in their preparation of subsequent regional and international meetings. These, and other views, were expressed in the written joint statement which is available on: http://www.greenpeace.org/~forests/newsflash.html.

It was suggested that the approach be revised to include the recommendations of the experts present at the San Jose meeting and guidance will be provided by the Steering Committee.

The following suggestions were made regarding Step 1:

- some issues in the proposed set of issues should be separated;
- some issues should be clustered in order to obtain a shorter list without endangering the scope of the analysis;
- the approach should not contain a proposed core set of issues;
- organizers of regional meetings should propose core sets of issues;
- issues should be drawn from known issues lists (e.g., IPF and IFF) as a point of departure for regional meetings;
- the final reports of IFF related initiatives should be made available to regional meetings, including the report of the global workshop on underlying causes of deforestation.

The following suggestions were made regarding Step 2:

- make distinction between global and regional levels when assessing the level of treatment of issues in existing international instruments;
- the method for this step should allow all views to be captured;
- regarding the level of treatment of issues in existing international instruments, the meaning of "sufficient" and "insufficient" should be clearly defined;
- the reasons why and the extent to which existing international commitments have not been implemented so far should be considered.

The following suggestions were made regarding Step 3:

- Steps 2 and 3 should be combined.
- The reordering of the steps (1,3, and then 2) would perhaps make more progress at regional meetings.
- It is important to keep step 2.

## VIII. FURTHER ACTION REQUIRED FOR BUILDING CONSENSUS OVER THE PERIOD OF MARCH 1999 TO FEBRUARY 2000.

Experts addressed the issue of following up to the San Jose meeting in order to examine mechanisms to build consensus and suggestions for further actions for the period between March 1999 and February 2000.

It was felt important that partners in the initiative utilize the opportunity given by future scheduled international meetings, in particular the IFF III, to assess the progress of and exchange views on the Initiative. Some experts mentioned the importance of taking advantage of other specific international and sub-regional meetings related to forests, like COFO and the meeting of the Andean Area to be held in Lima, Perú to maintain a constant flow of information about the Initiative and to forward the results of the San José meeting as a contribution to their deliberations. Additionally, it was suggested that the results of the above mentioned international meetings could serve as inputs to regional and sub-regional meetings within the Costa Rica-Canada initiative.

Information was given to the experts in regard to number, dates, and location of the regional meetings. The significant number of countries interested in hosting and providing financial support for regional meetings is an indication of the strong support for the Costa Rica-Canada Initiative. It is envisioned that in the coming months, the initiative has the potential to involve through regional meetings virtually all countries and involve a wide range of representatives from governments, international institutions, non-government organizations, indigenous people, women's groups and the private sector. Information, as it becomes available, will be distributed through the Secretariat of the initiative and on the initiative web site: http://www.nrcan.gc.ca/cfs/crc.

Some experts mentioned the value of organizing national consultations before the regional and sub-regional meetings could take place. It was felt that the results of regional meetings could be greatly enhanced by the contributions provided by this process of national consultations.

The results of the San José meeting will be forwarded to the regional meetings, which will comprise the second stage of the Initiative, and to the third session of the IFF in 1999. They will also be referred to the final meeting at the end of 1999, in Canada, which will consolidate the results of the meeting in Costa Rica and the suggestions of the regional meetings and produce general conclusions to be submitted to the fourth session of the IFF in the year 2000.

# ANNEXES

## ANNEX 1

**Costa Rica Canada Initiative Experts meeting**
**Iniciativa Costa Rica Canadá Reunión de Expertos**
**Initiative Costa Rica-Canada, Réunion d'experts**
**San José, Costa Rica**

**Participants – Participantes – Participants**

| | |
|---|---|
| 1. AGYEMAN, Fredua | Ghana |
| 2. AHO, Markku | Forest Advisory Group |
| 3. ASADI, Bgher H.E. | IFF Co-Chair |
| 4. BARSK-RUNDQUIST, Elisabeth | IFF Secretariat |
| 5. BOBKO, Igor | Belarus |
| 6. AMHA BIN, Buang | ITTO |
| 7. CASTRO, Estebancio | IITC |
| 8. CUCO, Arlito | Mozambique |
| 9. CHAN, Lai Har | Malaysia |
| 10. CHAVES, Guido | Costa Rica |
| 11. DE, Lu | People's Republic of China |
| 12. DELANEY, Adam | Papua New Guinea |
| 13. DÍAZ, Elias | Sobrevivencia and Friends of the Earth - Paraguay |
| 14. DOUGLAS, Jim | World Bank |
| 15. DUNN, Darryl | New Zealand |
| 16. FULLETON, Mike | Canada |
| 17. GIACINI DE FREITAS, Andre | IFBWW |
| 18. GRANHOLM, Heikki | Finland |
| 19. HALL, Andrew Clayton | Guyana |
| 20. HEADLEY, Marilyn | Jamaica |
| 21. HOENISCH, Ulrich | Germany |
| 22. JIMBIQUITI Z, Jose Luis | COICA |
| 23. JONES, Libby | United Kingdom |
| 24. KOMATSU, Kiyoshi | IGES |
| 25. KORNIENKO, Alexey | Russian Federation |
| 26. KUZMICHEV, Evgeny | IFF Vice-Chair |
| 27. LAROUSSINIE, Olivier | France |
| 28. LINARES LANDA, Elias | Cuba |
| 29. LJUNGMAN, Lennart | FAO |
| 30. MAINI, Jag | IFF Secretariat |
| 31. MALVAS, Jose JR | Philippines |
| 32. MANKIN, William | Global Forest Policy Project |
| 33. MCALPINE, Jan | USA |
| 34. MERSMANN, Christian | Germany |
| 35. MHIRIT, Omar | Morocco |
| 36. MORAIS, Carlos | Portugal |
| 37. MUEHLEMANN, Pierre | Suisse |
| 38. MUSALEM LOPEZ, Francisco | Mexico |
| 39. NAGAME, Ichiro | Japan |
| 40. NORDANSTIG, Gunnar | Sweden |
| 41. OISTAD, Knut | Norway |

| | |
|---|---|
| 42. OKRAH, Lambert | Institute for Cultural Affairs, Ghana |
| 43. ONYANGO, Gershom | Uganda |
| 44. OTODO, Kede | Cameroon |
| 45. PARMENTIER, Remi | Greenpeace International |
| 46. RAWAT, A.S. | India |
| 47. RESICO, Christina | Argentina |
| 48. RODRIGUEZ, Gisele | Brazil |
| 49. ROY, Régine | European Commission |
| 50. RUALES, Mario | Ecuador |
| 51. RUIS, Barbara | Free University Amsterdam |
| 52. PAUL, Scott | Greenpeace |
| 53. SCHMIDT, Ralph | UNDP |
| 54. SHAW, Sabrina | WTO |
| 55. SHEREIF, Mohamed | Egypt |
| 56. SIEGEL, Gunter | Austria |
| 57. SIMELANE, Themba L. | South Africa |
| 58. SOLANO, Jose | Spain |
| 59. SOLLO, Jean-Williams | Cameroon |
| 60. SORMIN, Benni | Indonesia |
| 61. APIWAT, Sretarugsa | Thailand |
| 62. SAINT-LAURENT, Carole | WWF & IUCN |
| 63. TAKAHASHI, Keisuke | Japan |
| 64. TAAL, Bai-Mass | UNEP |
| 65. TARSOFSKY, Richard | IUCN |
| 66. TEMUR, Kayihan | Turkey |
| 67. TONISSON, Kristjan | Estonia |
| 68. TRENT, Steve | EIA |
| 69. URZUA, Miriam | Women´s group, Mexico |
| 70. VON DER ASSEN, Ferdinand | The Netherlands |
| 71. WILLIAMS, Juliette | EIA |
| 72. DOLMAN, Gary | Australia |
| 73. NESTOR, Foster | Brazil |
| 74. ARIAS, Marcial | Alianza Mundial de Pueblos Indígenas |

| | |
|---|---|
| CRC initiative | |
| CARETTE, Jacques | CRC Co-Chair |
| ROJAS BOLANOS, Luis | CRC Co-Chair |
| CHAVES, Patricia | CRC Secretariat |
| BERGERON, France | CRC Secretariat |
| DE LA GARZA, Katy | Costa Rica, Advisor |
| MENESES, Ricardo | Costa Rica, Advisor |
| RICHER, Alain | Canada, advisor |
| RIVERO, Isabel | Costa Rica |
| ROBERTS, Ralph | Canada, Advisor |
| SALAS, Jose Luis | Costa Rica, Advisor |
| TREJOS, Eduardo | Costa Rica, Advisor |
| LEWCHUCK, Shirley | CRC Secretariat |
| ROUSSEAU, Denyse | CRC Secretariat |

## ANNEX 2

**Costa Rica – Canada Initiative Experts meeting**
**Iniciativa Costa Rica – Canadá, Reunión de Expertos**
**Initiative Costa Rica - Canadá, Réunion d'experts**
**San Jose, Costa Rica**

### Rapporteurs – Relatores

| | | |
|---|---|---|
| 1. | Libby Jones | UK |
| 2. | Adam Delaney | Papua New Guinea |
| 3. | Andrew Hall Clayton | Guyana |
| 4. | Jean Williams Sollo | Cameroon |

# Annex 3

## An approach[2] for identifying possible elements and work towards a consensus on the usefulness of having international arrangements and mechanisms for all types of forests

[2] Proposed approach for consideration at San Jose experts meeting

## Introduction

The international community has been deliberating a wide range of issues[3], related to the management, conservation and sustainable development of all types of forests. Nevertheless, it has been difficult to reach an agreement regarding the instruments that might best address these issues. Therefore "*Costa Rica and Canada have agreed to enter into a partnership to initiate a process to identify possible elements and work toward a consensus on the usefulness of having international arrangements and mechanisms, for example, a legally binding instrument on all types of forests. Within this context, the initiative will seek to provide neutral, transparent, participatory and representative fora to facilitate technical discussion on legally binding instruments on all types forests and consider possible elements of such instruments*".[4]

Discussions will utilize a common approach in order to facilitate the compatibility and the consolidation of findings from regional meetings. Figure 1 of this document illustrates the approach that will be used for the initiative.

Step 1: To identify a core set of international forest issues.

Step 2: To analyze the level of treatment in the existing instruments of the issues of the core set identified in Step 1.

Step 3: To identify issues of the core set that could potentially be advanced as elements through international instruments and those that likely would not.

Step 4: To identify a range of legally and non-legally binding instrument options for addressing the possible elements identified in step 3.

Step 5: To improve understanding of the pros and cons of the legally binding options identified in step 4.

Steps 1 and 2 should increase the understanding of international forest issues and their treatment in existing international instruments while step 3 should yield an indication of possible elements that might be included in new or existing international instruments. Step 4 focuses on determining which of the issues should be addressed in either legally binding or non-legally binding instruments. Where it is felt that the most appropriate approach to deal with a particular issue is through non-legally binding means, no further analysis is conducted within this framework. Step 5 involves an evaluation of the pros and cons of each legally binding option.

It could be expected that each participant may come to different conclusions based on the factors that influence their application of this analytical approach. Thus, this approach attempts to facilitate the identification and discussion of issues and possible elements of agreement, related to the management, conservation and sustainable use of all types of forests.

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[3] In this document the word ISSUE is defined in its broadest sense to include areas where there is international concern or interest, including problems and objectives

[4] Intersessional initiative in support of category III of the programme of work of IFF. International arrangements and mechanisms to promote the management, conservation and sustainable development of all types of forests.

## FIGURE 1 : Steps of the approach

| STEPS | OBJECTIVE | METHOD | PRODUCT |
|---|---|---|---|
| STEP 1 | To identify a core set of international forest issues. | ➢ Review the preliminary list of international forest issues contained in Annex A.<br>➢ Determine whether any issues are missing.<br>➢ Add issues of particular regional concern, if necessary.<br>➢ From this list, extract a manageable core set of issues. | ➢ A core set of forest issues for potential international treatment to be used at all regional meetings.<br>➢ A set of regional issues developed at regional meetings. |
| STEP 2 | To assess the level of treatment in the existing instruments of the issues in the core set identified in Step 1. | ➢ Review existing instruments and gap analysis documents to take stock of the coverage of each issue in the core set of issues identified in step 1 and identify gaps.<br>➢ Register results in Table 1.<br>➢ Develop criteria to facilitate, in regional meetings, a better understanding of the level of treatment of issues in existing instruments. | ➢ Assessment of the level of treatment of each issue and identification of gaps in international instruments.<br>➢ List of criteria to assist regional meetings. |
| STEP 3 | To identify issues of the core set that could potentially be advanced as elements through international instruments and those that likely would not. | ➢ Apply the criteria provided in annex B to each issue of the core set and register the results in the appropriate columns of Table 2.<br>➢ If necessary, additional criteria may be applied for regional issues. | A list of possible elements that might be included in new or existing international instruments in the short and medium terms. |
| STEP 4 | To identify a range of legally and non-legally binding instrument options for addressing the possible elements identified in step 3. | Consider the appropriateness of the following options:<br><br>1. New legally binding international instrument.<br>2. Working within existing legally binding instruments.<br>3. Non legally binding approaches. | Identification of a range of legally and non-legally binding instrument options for addressing each possible element. |
| STEP 5 | To improve understanding of the pros and cons of the legally binding options identified in step 4 | ➢ Apply the criteria provided in Annex C for each of the legally binding options chosen for each possible element.<br>➢ If necessary, additional criteria may be applied. | Identification and assessment of the pros and cons of legally binding options. |

## Orientation for the use of the approach

The following guidelines would be applied to the use of this document at the meetings of the Costa Rica-Canada initiative.

1. It is expected that the use of facilitators will assist in the application of this approach.

2. Prior to breaking into working groups, an explanation of each step of the approach will be given, along with an opportunity to ask questions.

3. Each working group will be asked to address a subset of the forest issues provided by the Costa Rica-Canada Secretariat which will include a selection from each category identified in step 1.

4. To facilitate the drafting of the report of the meeting, the organizers will select a slate of qualified participants to act as rapporteurs. This slate will be subject to approval by participants.

5. Rapporteurs will then be asked to cover each working group, recording key aspects of discussions. With the help of facilitators and Secretariat personnel, each will be asked to prepare and present a report in plenary.

## STEP 1: To identify a core set of international

**OBJECTIVE:** To identify a core set of international forest issues.

**METHOD:**

- Review the preliminary list of international forest issues contained in Annex A.
- Determine whether any issues are missing.
- Add issues of particular regional concern, if necessary.
- From this list, extract a manageable core set of issues.

**REFERENCE DOCUMENTATION:**

1. International Conventions: Biodiversity, Climate Change, Desertification, CITES, RAMSAR, ITTA
2. Agenda 21
3. Forest Principles
4. Proposals for action of the Intergovernmental Panel on Forests (IPF)
5. Program of Work of the Intergovernmental Forum on Forests (IFF)
6. Reports from IFF related initiatives

**Products:**

- A core set of forest issues for potential international treatment to be used at all regional meetings.
- A set of regional issues developed at regional meetings.

## STEP 2: Treatment of these issues in existing international instruments

**OBJECTIVE:** To assess the level of treatment in the existing instruments of the Issues in the core set identified in Step 1.

**METHOD:**

- Review existing instruments and gap analysis documents to take stock of the coverage of each issue in the core set of issues identified in step 1 and identify gaps.
- Register results in Table 1.
- Develop criteria to facilitate, in regional meetings, a better understanding of the level of treatment of issues in existing instruments.

**REFERENCE DOCUMENTATION:**

- Existing International Instruments:
  - International Conventions:
    - Biodiversity, Climate Change, Desertification, CITES, RAMSAR, ITTA
  - Agenda 21
  - Forest Principles
  - Proposals for action of the Intergovernmental Panel on Forests (IPF)
  - International processes on criteria and indicators for sustainable forest management.

- Other Documents:
  - Program of Work of the Intergovernmental Forum on Forests (IFF), and documentation for programme element II (e)
  - Gap study by IUCN
  - RFI Gap Analysis

**Products:**

- **Assessment of the level of treatment of each issue and identification of gaps in international instruments.**
- **List of criteria to assist regional meetings.**

*Table 1: Template for the analysis of the treatment of forest issues in existing international instruments*

| | Treatment of issues in existing instruments | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Consideration of the issue | | Level of treatment | | Consideration of the issue | | Level of treatment | | Consideration of the issue | | Level of treatment | | Consideration of the issue | | Level of treatment | | Consideration of the issue | | Level of treatment | |
| Issues | Yes | No | Sufficient | Insufficient | Yes | No | Sufficient | Insufficient | Yes | No | Sufficient | Insufficient | Yes | No | Sufficient | Insufficient | Yes | No | Sufficient | Insufficient |
| | | | | | | | | | | | | | | | | | | | | |
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## STEP 3: Potential to address issues through international instruments

OBJECTIVE: **To identify issues of the core set that could potentially be advanced as elements through international instruments and those that likely would not.**

METHOD:

- Apply the criteria provided in annex B to each issue of the core set and register the results in the appropriate columns of Table 2.
- If necessary, additional criteria may be applied for regional issues.

**Product:**

A list of possible elements that might be included in new or existing international instruments in the short and medium terms.

Table 2: Determination of the potential for advancement

| Issues | Probable in short term | Probable in medium term | Not probable | Justify |
|---|---|---|---|---|
| | | | | |
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## STEP 4: To identify a range of instrument options

**OBJECTIVE:** To identify a range of legally and non-legally binding instrument options for addressing the possible elements identified in step 3.

**METHOD:**

- Consider the appropriateness of the following legally and non-legally binding options for addressing the relevant elements identified in step 3. More than one option may be deemed appropriate.

  ***Option 1: New, legally binding international instrument***: where an element is sufficiently important to warrant a legally binding commitment and no existing instrument is believed to have the ability to provide for such action.

  ***Option 2: Work under existing legally binding instruments***: this category includes working within existing provisions, negotiating new provisions and developing protocols.

  ***Option 3: Non-legally binding approaches***: this category includes new or existing soft law processes, civil society and voluntary actions. If this option is chosen, no further analysis is conducted within this framework.

  ***Regional options may be added if desirable.***

- Record the results in the appropriate column(s) in **Table 3**, under "Instrument options for addressing possible elements".

**Product:**

**Identification of a range of legally and non-legally binding instrument options** for addressing each possible element.

Table 3: Identification and assessment of instrument options

| | Step 4 | | | Step 5 | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Instrument options for addressing possible elements | | | Assessing legally binding instruments option (H, M, L) | | | | | | | | | | | | | |
| Issues | Option 1 | Option 2 | Option3 | New | Existing | New | Existing | New | Existing | New | Existing | New | Existing | New | Existing | New | Existing |
| | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | |
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## STEP 5: Pros and cons of legally binding options

**OBJECTIVE:** To improve understanding of the pros and cons of the legally binding options identified in step 4.

**METHOD:**

- Apply the criteria provided in Annex C for each of the legally binding options chosen for each possible element and record the results in Table 3, under "Assessing legally binding instrument options".
- If necessary, additional criteria may be applied.

**Product:**

Identification and assessment of the pros and cons of legally binding options.

## Annex A1: ISSUES

1. coordination of international action on forests
2. reform of institutions responsible for forest policy
3. coordination of cross-sectoral policies and programmes
4. financial mechanisms in support of sustainable forest management
5. forest investment
6. coordination of programmes of donors and recipients
7. technology transfer
8. capacity building
9. education and training
10. sharing information
11. coordination of research
12. definition of sustainable forest management
13. development of criteria for sustainable forest management
14. development of indicators for sustainable forest management
15. national forest programmes
16. forest assessment, inventories, statistics and modelling
17. forest valuation
18. national reporting
19. conservation of biological diversity
20. establishment of protected forest areas
21. deforestation
22. afforestation and reforestation
23. rehabilitation of fragile ecosystems
24. carbon storage and sequestration
25. mitigating the effects of climate change
26. soil and water conservation
27. impact of non-forest industries
28. impact of pollution
29. forest protection against fire
30. forest protection against insects and disease
31. non-timber products and services
32. traditional forest-related knowledge
33. fuelwood supply
34. plantations and exotic species
35. harvesting methodology
36. forest and forest products industry
37. international trade
38. market access
39. certification
40. supply and demand
41. consumption
42. economic instruments, tax policies and land tenure
43. cost internalisation
44. maintain future development potential
45. employment
46. forest community stability
47. participation
48. gender
49. indigenous people's rights
50. protection of intellectual property rights
51. infrastructure development
52. access to capital
53. rural policy

## Annex A2: Example of core set of issues

1. coordination of international action on forests
2. coordination of cross-sectoral policies and programmes
3. financial mechanisms in support of sustainable forest management
4. technology transfer and capacity building
5. education and training
6. sharing information
7. development of criteria and indicators for sustainable forest management
8. national forest programmes
9. forest assessment, inventories, statistics and modelling
10. forest valuation
11. national reporting
12. conservation of biological diversity
13. afforestation and reforestation
14. carbon storage and sequestration
15. soil and water conservation
16. impact of non-forest industries
17. forest protection against fire, insects and disease
18. non-timber products and services
19. traditional forest-related knowledge
20. fuelwood supply
21. international trade
22. supply and demand
23. economic instruments, tax policies and land tenure
24. cost internalisation
25. employment
26. forest community stability
27. participation
28. indigenous people's rights
29. protection of intellectual property rights

## Annex B: Criteria for determining the potential for an issue to be advanced in an international instrument

1. Potential For consensus

2. Financial issues

3. Scientific understanding

4. Scale – global, regional, national

5. Urgency of issue

6. Specificity to forests (versus cross-sectoral)

7. Importance of gap

8. National impact

9. Value added of treating the issue in a international instrument that deals comprehensively with all forests and all forest values.

## Annex C: Criteria for assessing the pros and cons of legally binding options

1. **To what extent does the option complement existing forest-related instruments?**
   Existing international instruments will already treat many of the issues. The option should complement such instruments. **(Complement)**

   *Rating: High (H), Medium (M) or Low (L)*

2. **To what extent is the option politically feasible?**
   Different options may have different impacts on national interests. **(Feasible)**

   *Rating: High (H), Medium (M) or Low (L)*

3. **To what extent are there problems associated with implementing the option? (Implementation)**

   *Rating: High (H), Medium (M) or Low (L)*

4. **To what extent will the option lead to on-the-ground change? (Effectiveness)**

   *Rating: High (H), Medium (M) or Low (L)*

5. **To what extent are the costs associated with implementing the option significant?** Implementation of a legally binding option will impose costs. **(Costs)**

Rating: High (H), Medium (M) or Low (L)

# *End of Annex 3*

## ANNEX 4a

### ISSUES

1. Definition of sustainable forest management
2. Criteria and indicators for sustainable forest management
3. Forest assessment, inventories and statistics
4. National forest programmes
5. Deforestation/forest degradation (including underlying causes)/ afforestation/reforestation/ exotic species/desertification
6. Traditional forest related knowledge
7. Fire, insects, diseases, drought
8. Ecosystem management
9. Low forest cover
10. Agroforestry
11. Extent of national forest cover
12. Sustainable management of all types of forests
13. Biodiversity
14. Protected areas (representative networks)
15. Soil and water conservation
16. Carbon storage and sequestration/mitigating the effects of climate change
17. Environmental impact assessment / monitoring
18. Trade (international, national and sub-national)
19. Market access
20. Certification/ecolabelling
21. Cost internalization/green accounting
22. Economic instruments (including perverse subsidies and incentives), tax policies and land tenure
23. Supply and demand/consumption patterns/promotion of use of environnementally friendly products
24. Employment/health and safety standards/assessment and security of forest workers
25. Forest and forest products industry
26. Forestry practices (including harvesting practices)
27. Forest valuation
28. Technology transfer
29. Impact of pollution
30. Impacts of forest and non-forest industries
31. Non-wood goods and services
32. Renewable energy
33. Maintain future sustainable development potential
34. Community stability
35. Chemical applications
36. Illegal logging/trade/corruption
37. Primary forest conversion
38. Cultural and spiritual values
39. Maintaining a full range of forest values

40. Global functions
41. Trade statistics accuracy
42. Coordination of international action on forests/cooperation
43. Reform of institutions responsible for forest policy/permanent forum on forests
44. Coordination of cross sectoral policies and programmes (international, national, sub national)
45. Capacity building
46. Education and training
47. Public access to information/sharing information
48. Financial mechanisms/forest investment
49. Coordination of programmes of donors and recipients (including forest partnership agreements)
50. National reporting
51. Participation/empowerment
52. Gender
53. Rights of indigenous people and local communities
54. Intellectual property rights
55. Infrastructure development
56. Access to resources (natural resources, capital and other)
57. Rural policy and land use
58. Governance
59. Sustainable development policy
60. Policy for allocating forest concessions
61. Partnership between the private sector, civil society and governments
62. Monitoring of forest management activities
63. Maintenance of forest policy
64. Integrated land use planning
65. National law enforcement and good governance
66. Private sector activities (including voluntary codes of good practice)
67. Benefit sharing
68. Sustainable development policy
69. Cross-border conflicts and consultations
70. Compliance with obligations
71. Settlement of conflict resolution
72. Research

## ANNEX 4b

### CORE SET OF INTERNATIONAL FOREST ISSUES[5]

(Revised list)

1. Definition of sustainable forest management
2. Criteria and indicators for sustainable forest management
3. Forest assessment, inventories and statistics
4. National forest programmes
5. Deforestation/forest degradation (including underlying causes)/ afforestation/reforestation/ exotic species/desertification/plantation
6. Traditional forest related knowledge
7. Fire, insects, diseases, drought
8. Ecosystem management
9. Low forest cover
10. Agroforestry
11. Extent of national forest cover
12. Sustainable management of all types of forests
13. Biodiversity
14. Protected areas (representative networks)
15. Soil and water conservation
16. Carbon storage and sequestration/mitigating the effects of climate change
17. Environmental impact assessment / monitoring
18. Trade (international, national and sub-national)
19. Market access
20. Certification/ecolabelling
21. Cost internalization/green accounting
22. Economic instruments (including perverse subsidies and incentives), tax policies and land tenure
23. Supply and demand/consumption patterns/promotion of use of environnementally friendly products
24. Employment/health and safety standards/assessment and security of forest workers
25. Forest and forest products industry
26. Forestry practices (including harvesting practices)
27. Forest valuation
28. Technology transfer
29. Impact of pollution
30. Impacts of forest and non-forest industries
31. Non-wood goods and services
32. Renewable energy
33. Maintain future sustainable development potential
34. Community stability

[5] The experts supported the list in Annex 4a as a basis for working group discussions, and based on the groups discussion, identified a number of changes to the list in annex 4a which could then guide regional meetings.

35. Chemical applications
36. Illegal logging/trade/corruption
37. Primary forest conversion
38. Cultural and spiritual values
39. Maintaining a full range of forest values
40. Global functions
41. Trade statistics accuracy
42. Coordination of international action on forests/cooperation
43. Reform of institutions responsible for forest policy/permanent forum on forests
44. Coordination of cross sectoral policies and programmes (international, national, sub national)
45. Capacity building
46. Education and training
47. Public access to information/sharing information
48. Financial mechanisms/forest investment
49. Coordination of programmes of donors and recipients (including forest partnership agreements)
50. National reporting
51. Participation/empowerment
52. Gender
53. Rights of indigenous people and local communities
54. Intellectual property rights
55. Infrastructure development
56. Access to resources (natural resources, capital and other)
57. Rural policy and land use
58. Governance (national and international levels)
59. Sustainable development policy
60. Policy for allocating forest concessions
61. Partnership between the private sector, civil society and governments
62. Monitoring of forest management activities
63. Implementation of forest policy
64. Sound land use planning
65. Private sector activities (including voluntary codes of good practice)
66. Benefit sharing
67. Cross-border effects
68. Compliance with obligations
69. Dispute settlement
70. Research

Annex 4c

## ISSUES[6]

| MANAGEMENT | |
|---|---|
| **Issues from Annex A1** | **Issues from Working Groups** |
| Definition of sustainable forest management | Ecosystem management |
| Criteria and indicators for sustainable forest management | Low forest cover |
| Forest assessment, inventories and statistics | Agroforestry |
| National forest programmes | Extent of national forest cover |
| Research | Sustainable management of all types of forests |
| Deforestation/forest degradation (including underlying causes)/ afforestation/reforestation/ exotic species/desertification | |
| Traditional forest related knowledge | |
| Fire, insects, diseases, drought | |
| | |
| **CONSERVATION** | |
| **Issues from Annex A1** | **Issues from Working Groups** |
| Biodiversity | Environmental impact assessment / monitoring |
| Protected areas (representative networks) | |
| Soil and water conservation | |
| Carbon storage and sequestration/mitigating the effects of climate change | |
| | |

[6] *Issues from Annex A1* include original issues and reformulations based on working group recommendations. Some new issues were grouped with Annex A1 issues.
*Issues from working groups* are drawn from working group reports.

| SUSTAINABLE DEVELOPMENT | |
|---|---|
| **Issues from Annex A1** | **Issues from Working Groups** |
| International trade | Illegal logging/trade |
| Market access | Primary forest conversion |
| Certification/ecolabelling | Cultural and spiritual values |
| Cost internalization/green accounting | Maintaining a full range of forest values |
| Economic instruments, tax policies and land tenure | Global functions |
| Supply and demand/consumption | |
| Employment/health and safety standards | |
| Forest and forest products industry | |
| Forestry practices (including harvesting practices) | |
| Forest valuation | |
| Technology transfer | |
| Impacts of forest and non-forest industries | |
| Non-wood goods and services | |
| Renewable energy | |
| Maintain future sustainable development potential | |
| Community stability | |
| | |

| INSTITUTIONS AND POLICY INSTRUMENT | |
|---|---|
| **Issues from Annex A1** | **Issues from Working Groups** |
| Coordination of international action on forests | Policy for allocating forest concessions |
| Reform of institutions responsible for forest policy | Partnership between the private sector, civil society and governments |
| Coordination of cross sectoral policies and programmes (international, national, sub national) | Monitoring of forest management activities |
| Capacity building | Maintenance of forest policy |
| Education and training | Integrated land use planning |
| Public access to information/sharing information | National law enforcement and good governance |
| Financial mechanisms/forest investment | Private sector activities (including voluntary codes of good practice) |

| | |
|---|---|
| Coordination of programmes of donors and recipients (including forest partnership agreements) | Benefit sharing |
| National reporting | |
| Participation/empowerment | |
| Gender | |
| Rights of indigenous people and local communities | |
| Intellectual property rights | |
| Infrastructure development | |
| Access to resources (capital and other) | |
| Rural policy and land use | |
| Governance | |
| Trade (international, national, sub-national) | |

# ANNEX 5

*Table 1: Template for the analysis of the treatment of forest issues in existing international instruments*

| Issues | Treatment of issues in existing instruments | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | International conventions | | | | Agenda 21 | | | | Forest Principles | | | | IPF Proposals for Action | | | | C&I Processes | | | |
| | Consideration of the issue | | Level of treatment | | Consideration of the issue | | Level of treatment | | Consideration of the issue | | Level of treatment | | Consideration of the issue | | Level of treatment | | Consideration of the issue | | Level of treatment | |
| | Yes | No | Sufficient | Insufficient | Yes | No | Sufficient | Insufficient | Yes | No | Sufficient | Insufficient | Yes | No | Sufficient | Insufficient | Yes | No | Sufficient | Insufficient |
| 1. Definition of sustainable forest management | | X | | | | X | | | | X | | | | X | | | X | | | X |
| 2. Criteria and indicators for sustainable forest management | X | | | X | X | | | X | X | | | X | X | | 4 | 4 | X | | X | |
| 3. Forest assessment, inventories and statistics | X | | | | X | | | | X | | | | X | | | X | X | | | X |
| 4. National forest programmes | X | | | X | X | X | | | X | X | | | X | | X | | X | | | |
| 5. Deforestation/forest degradation (including underlying causes)/ afforestation/reforestation/ exotic species/desertification | X | | | X | X | | X | | X | | X | | X | | | X | X | | | |
| 6. Traditional forest related knowledge | X | | | X | X | | X | | X | | X | | X | | X | | X | | | X |
| 7. Fire, insects, diseases, drought | X | | | X | X | | | | X | | | | X | | | | X | | X | X |
| 8. Ecosystem management | X | | X | | X | | X | | X | | | | X | | | | | | | |
| 9. Low forest cover | X | | X | | X | | X | | X | | X | | X | | X | | +/- | | X | |
| 10. Agroforestry | | X | | | X | | | X | X | | | X | X | | | X | | X | | |
| 11. Extent of national forest cover | X | | | X | X | | | | X | | | | X | | | | | | | |
| 12. Sustainable management of all types of forests | X | | | X | X | | X | | X | | X | | X | | X | | X | | X | |
| 13. Biodiversity | X | | X | | X | | X | | X | | X | | X | | | X | X | | X | |

| | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 4. Protected areas (representative networks) | X | | X | | X | | X | | X | | X | | X | | | X | X | | X | |
| 5. Soil and water conservation | X | | | X | X | | X | | X | | | X | X | | | X | X | | X | |
| 6. Carbon storage and sequestration/mitigating the effects of climate change | X | | | X | X | | X | X | X | X | | | X | | | X | X | | X | |
| 17. Environmental impact assessment / monitoring | X | | | X | X | | X | | X | | X | | X | | | X | X | | X | |
| 18. Trade (international, national and sub-national) | X | | | X | X | | | X | X | | X | | X | | | X | X | | | X |

**COMMENTS ON ISSUES:**

Issue 1C&I: no global process
Issue 2nternational Conventions: not global, not in writing
Issue 3C&I: not global
Issue 5C&I: difference between regions
Issue 9 C&I: some regulation

| | All Instruments | | | |
|---|---|---|---|---|
| | Consideration of the issue | | Level of treatment | |
| Issues | Yes | No | Sufficient | Insufficient |
| 19. Market access | X | | | X |
| 20. Certification/ecolabelling | X | | X | |
| 21. Cost internalization/green accounting | | X | | X |
| 22. Economic instruments (including perverse subsidies and incentives), tax policies and land tenure | X | | | X |
| 23. Supply and demand/consumption patterns/promotion of use of environmentally friendly products | X | | | X |
| 24. Employment/health and safety standards/assessment and security of forest workers | X | | X | |
| 25. Forest and forest products industry | X | | | X |
| 26. Forestry practices (including harvesting practices) | X | | | X |
| 27. Forest valuation | | | | |
| 28. Technology transfer | X | | | X |
| 29. Impact of pollution | X | | | X |
| 30. Impacts of forest and non-forest industries | X | | | X |
| 31. Non-wood goods and services | | | | |
| 32. Renewable energy | | | | |
| 33. Maintain future sustainable development potential | | | | |

| | | | | |
|---|---|---|---|---|
| 34. Community stability | | | | |
| 35. Chemical applications | | | | |
| 36. Illegal logging/trade/ corruption | | | | |

**COMMENTS ON ISSUES:**

- Issue 20. Resolution of government role is insufficient but certification is a private initiative and well covered in that respect. Insufficient because of lack of research, coordination and information sharing.
- Issue 21. Insufficient because only in IFF proposals.
- Issue 22. Insufficient: covers too many issues but not in detail.
- Issue 24. Many view points on this issue. Enough laws and regulations at national and international levels. The issue is compliance.
- Issue 25. More consideration needed. There is a need to improve environmental impacts, marketing, economic efficiency, etc. Too broad an issue to allow real focus.
- Issue 26. Need for "Best Practices" model. Some practices are not well treated in Agenda 21 or IPF.
- Issue 27. At policy level, not at research level, it is insufficient.
- Issue 28. Information exchange is inadequate. Limited effects as a result of technology transfer (adequate consideration?) Technology transfer to developing countries is not well done, i.e. Africa.
- Issue 29. Water and air pollution are inadequately covered, as well as that caused by chemical

| | All Instruments | | | |
|---|---|---|---|---|
| | Consideration of the issue | | Level of treatment | |
| Issues | Yes | No | Sufficient | Insufficient |
| 37. Primary forest conversion | 10 | 2 | 1 | 9 |
| 38. Cultural and spiritual values | 8 | 4 | - | 7 |
| 39. Maintaining a full range of forest values | 7 | 4 | - | 7 |
| 40. Global functions | 12 | - | 4 | 8 |
| 41. Trade statistics accuracy | 12 | - | - | 10 |
| 42. Coordination of international action on forests/cooperation | 11 | - | - | 12 |
| 43. Reform of institutions responsible for forest policy/permanent forum on forests | 11 | 1 | - | 11 |
| 44. Coordination of cross sectoral policies and programmes (international, national, sub national) | 12 | - | - | 12 |
| 45. Capacity building | 12 | - | - | 11 |
| 46. Education and training | 12 | - | - | 8 |
| 47. Public access to information/sharing information | 11 | 1 | - | 5 |
| 48. Financial mechanisms/forest investment | 9 | 3 | - | 11 |
| 49. Coordination of programmes of donors and recipients (including forest partnership agreements) | 10 | 2 | - | 7 |
| 50. National reporting | 12 | - | - | 9 |
| 51. Participation/empowerment | 10 | 2 | - | 7 |
| 52. Gender | 11 | 1 | - | 5 |
| 53. Rights of indigenous people and local communities | 12 | - | - | 11 |
| 54. Intellectual property rights | 10 | 2 | - | 6 |

| Issues | Biodiversity Convention | | | | Climate Change Convention | | | | Desertification/CITES/ RAMSAR/ITT | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Consideration of the issue | | Level of treatment | | Consideration of the issue | | Level of treatment | | Consideration of the issue | | Level of treatment | |
| | Yes | No | Sufficient | Insufficient | Yes | No | Sufficient | Insufficient | Yes | No | Sufficient | Insufficient |
| 55. Infrastructure development | | X | | | | X | | | | X | | |
| 56. Access to resources (natural resources, capital and other) | X | | | X | X | | | X | | | | |
| 57. Rural policy and land use | | X | | | | X | | | | | | |
| 58. Governance | | X | | | | X | | | | | | |
| 59. Sustainable development policy | X | X | | X | X | | | X | | | | |
| 60. Policy for allocating forest concessions | | X | | | | X | | | | | | |
| 61. Partnership between the private sector, civil society and governments | | X | | | X | | | X | | | | |
| 62. Monitoring of forest management activities | | X | | | X | | | X | | | | |
| 63. Maintenance of forest policy | | X | | | | X | | | | | | |
| 64. Integrated land use planning | | X | | | | X | | | | | | |
| 65. National law enforcement and good governance | | X | | | | X | | | | | | |
| 66. Private sector activities (including voluntary codes of good practice) | | X | | | X | X | | X | | | | |
| 67. Benefit sharing | X | | X | | X | | | X | | | | |
| 68. Sustainable development policy | | | | | | | | | | | | |
| 69. Cross-border conflicts and consultations | | | | | | | | | | | | |
| 70. Compliance with obligations | | X | | | | | | | | | | |
| 71. Settlement of conflict resolution | X | | | X | X | | X | | | | | |
| 72. Research | X | | | X | X | | | X | | | | |

**COMMENTS ON ISSUES:**

- Issue 58. Degree to which officials and political decision makers actually apply laws and regulations, in a transparent manner and are accountable in practice.
- Issue 59. Sustainable development in all-encompassing
- Issue 62. Group 4 believes that monitoring a forest cover bears relevance with the FCCC Kyoto Protocol
- Issue 63. "Maintenance of Forest Policy", should be interpreted as "implementation"
- Issue 65. Recommended to delete good governance as it is covered under # 58. There is no specific mention at implementation of nations' laws, but it is implicit that the convention will be enforced.
- Issue 66. The consideration of voluntary codes of practice, in the context of legally binding instruments is irrelevant. FCCC: private sector activities will/may be part of the implementation of the Kyoto Protocol, but not yet explicitly in Kyoto Protocol mechanisms.
- Issue 67. Benefit sharing under Climate Change Convention: not clear; if sharing between partners is under joint implementation, the answer is yes. If arrangements are to share benefits within the nation, then the answer is no.
- Issue 71. Settlement of conflict resolution is changed into Settlement of Disputes, and 71 bis is added, as follows: resolution of competing forest functions and uses.

**ANNEX 6A** Table 2: Determination of the potential for advancement

| Issues | Probable in short term | Probable in medium term | Not probable | Justify |
|---|---|---|---|---|
| 1. Definition of sustainable forest management | X | X | X | Some concern that consensus on an agreed definition would be difficult, although progress feasible. |
| 2. Criteria and indicators for sustainable forest management | X | X | X global | National and regional progress possible. Progress at global level more problematic. |
| 3. Forest assessment, inventories and statistics | X | X | | |
| 4. National forest programmes | X | | X | Some saw this as primarily a national issue. |
| 5. A)Deforestation/forest degradation (including underlying causes)/ B)afforestation/reforestation/ C)exotic species/D)desertification E) plantations | C)X, D)X | A)X, B)X E)X | | |
| 6. Traditional forest related knowledge | | X | | |
| 7. Fire, insects, diseases, drought | X | | X | (Not probable: drought) |
| 8. Ecosystem management | X | X | | |
| 9. Low forest cover | | X | | |
| 10. Agroforestry | X | | | |
| 11. Extent of national forest cover | | X (if as 5) | X | |
| 12. Sustainable management of all types of forests | X | X | | |
| 13. Biodiversity | X | X | | |
| 14. Protected areas (representative networks) | X | | | |
| 15. Soil and water conservation | | X | | |
| 16. Carbon storage and sequestration/mitigating the effects of climate change | X | X | | (Medium if no emission decrease) |
| 17. Environmental impact assessment / monitoring | X | | | |
| 18. Trade (international, national and sub-national) | X | X | | |

| Issues | Probable in short term | Probable in medium term | Not probable | Justify |
|---|---|---|---|---|
| 19. Market access | X | X | | |
| 20. Certification/ecolabelling | X | X | | |
| 21. Cost internalization/green accounting | X | X | | |
| 22. Economic instruments (including perverse subsidies and incentives), tax policies and land tenure | X | X | | |
| 23. Supply and demand/consumption patterns/promotion of use of environnementally friendly products | X | X | | |
| 24. Employment/health and safety standards/assessment and security of forest workers | X | X | | |
| 25. Forest and forest products industry | X | X | | |
| 26. Forestry practices (including harvesting practices) | X | X | | |
| 27. Forest valuation | X | X | | |
| 28. Technology transfer | X | X | | |
| 29. Impact of pollution | X | X | | |
| 30. Impacts of forest and non-forest industries | X | X | | |
| 31. Non-wood goods and services | X | X | | |
| 32. Renewable energy | X | X | | |
| 33. Maintain future sustainable development potential | X | X | | |
| 34. Community stability | X | X | | |
| 35. Chemical applications | X | X | | |
| 36. Illegal logging/trade/corruption | X | X | | |

| | | | | |
|---|---|---|---|---|
| 37. Primary forest conversion | 5 | 1 | | |
| 38. Cultural and spiritual values | 2 | 6 | | |
| 39. Maintaining a full range of forest values | 6 | 2 | | |
| 40. Global functions | 8 | 2 | | |
| 41. Trade statistics accuracy | 8 | 1 | | |
| 42. Coordination of international action on forests/cooperation | 5 | 3 | | |
| 43. Reform of institutions responsible for forest policy/permanent forum on forests | 7 | 2 | | |
| 44. Coordination of cross sectoral policies and programmes (international, national, sub national) | | 8 | | |
| 45. Capacity building | 1 | 8 | | |
| 46. Education and training | 7 | 1 | | |
| 47. Public access to information/sharing information | 9 | | | |
| 48. Financial mechanisms/forest investment | 8 | 3 | | |
| 49. Coordination of programmes of donors and recipients (including forest partnership agreements) | 9 | 1 | | |
| 50. National reporting | 10 | | | |
| 51. Participation/empowerment | 5 | 5 | | |
| 52. Gender | 7 | 3 | | |
| 53. Rights of indigenous people and local communities | 7 | 2 | | |
| 54. Intellectual property rights | 3 | 6 | | |

| Issues | Probable in short term | Probable in medium term | Not probable | Comments |
|---|---|---|---|---|
| 55. Infrastructure development | X | | | |
| 56. Access natural resources | | | X | |
| Access to capital and other | X | X | | |
| 57. Rural policy and land use | X | | | |
| 58. Governance | X | | | |
| 59. Sustainable development policy | | | X | |
| 60. Policy for allocating forest concessions | | | X | |
| 61. Partnership between the private sector, civil society and governments | X | | | INCLUDES 66 |
| 62. Monitoring of forest management activities | X | | | |
| 63. Maintenance of forest policy | X | | | USE IMPLEMENTATION |
| 64. Integrated land use planning | | X | | REPLACE WITH "SOUND" |
| 65. National law enforcement and good governance | | | | PART OF GOVERNANCE |
| 66. Private sector activities (including voluntary codes of good practice) | | | | INCLUDED IN 61 |
| 67. Benefit sharing | | X | | |
| 68. Sustainable development policy | | | | SAME AS 59 |
| 69. Cross-border conflicts and consultations | | X | | CROSS-BORDER EFFECTS |
| 70. Compliance with obligations | | | X | |
| 71. Settlement of conflict resolution | | X | | DISPUTE SETTLEMENT |
| 72. Research | X | | | |

**Annex 6B**: CRITERIA FOR DETERMINING THE POTENTIAL FOR AN ISSUE TO BE ADVANCED IN AN INTERNATIONAL INSTRUMENT

| | Potential for consensus | Financial issues | Scientific understanding | Scale'global, regional, national | Urgency of issue | Specificity to forests )versus cross sectoral | Importance of gap | National impact | Value added |
|---|---|---|---|---|---|---|---|---|---|
| 1. Definition of sustainable forest management | | | | | | | | | |
| 2. .Criteria and indicators for sustainable forest management | | | | | | | | | |
| 3. Forest assessment, inventories and statistics | | | | | | | | | |
| 4. National forest programmes | | | | | | | | | |
| 5. Deforestation/forest degradation (including underlying causes)/ afforestation/reforestation/ exotic species/desertification | | | | | | | | | |
| 6. Traditional forest related knowledge | X | | X | | X | | X | X | X |
| 7. Fire, insects, diseases, drought | | | X | X | X | | | | X |
| 8. Ecosystem management | X | X | | X | X | | X | X | X |
| 9. Low forest cover | X | X | X | X | | | X | X | X |
| 10. Agroforestry | X | | X | X | X | | | X | X |
| 11. Extent of national forest cover | NO (?) | | | | | | | | |
| 12. Sustainable management of all types of forests | X | X | X | X | X | X | X | X | X |
| 13. Biodiversity | X | X | X | X | X | | X | X | X |
| 14. Protected areas (representative networks) | X | X | X | | X | | | | X |
| 15. Soil and water conservation | X | X | X | X | X | | X | X | X |
| 16. Carbon storage and sequestration/mitigating the effects of climate change | X | X | X | X | X | | X | X | X |
| 17. Environmental impact assessment / monitoring | X | | X | | X | | X | | X |
| 18. Trade (international, national and sub-national) | X | X | X | | X | X | X | X | X |

Scientific understanding: Issue 6, (Refining) sharing; Issue 8, needs clarification; Scientific understanding: Issue 16, improve
Scale: global, regional, national: Issue 1: National and local scale; Issue 7: Regional impact, national, global implementation, transboundary, Issue 9: Regional; Issue 10: Regional; Issue 14: Global; Issue 15: National regulation; Issue 16: Global; Issue 18: Global regulation
Urgency of issue: Issue 6: Mid; Issue 9: Only to those who have low cover; Issue 10: Regional
Specificity to forests , versus cross sectoral: Issue 8: non specific

| | Potential for consensus | Financial issues | Scientific understanding | Scale' global, regional, national | Urgency of issue | Specificity to forests )versus cross sectoral | Importance of gap | National impact | Value added |
|---|---|---|---|---|---|---|---|---|---|
| 19. Market access | | | | | | | | | |
| 20. Certification/ecolabelling | | | | | | | | | |
| 21. Cost internalization/green accounting | | | | | | | | | |
| 22. Economic instruments (including perverse subsidies and incentives), tax policies and land tenure | | | | | | | | | |
| 23. Supply and demand/consumption patterns/promotion of use of environnementally friendly products | | | | | | | | | |
| 24. Employment/health and safety standards/assessment and security of forest workers | | | | | | | | | |
| 25. Forest and forest products industry | | | | | | | | | |
| 26. Forestry practices (including harvesting practices) | | | | | | | | | |
| 27. Forest valuation | | | | | | | | | |
| 28. Technology transfer | | | | | | | | | |
| 29. Impact of pollution | | | | | | | | | |
| 30. Impacts of forest and non-forest industries | | | | | | | | | |
| 31. Non-wood goods and services | | | | | | | | | |
| 32. Renewable energy | | | | | | | | | |
| 33. Maintain future sustainable development potential | | | | | | | | | |
| 34. Community stability | | | | | | | | | |
| 35. Chemical applications | | | | | | | | | |
| 36. Illegal logging/trade/corruption | | | | | | | | | |

| | Potential for consensus | | | Financial issues | | | Scientific understanding | | | Scale'global, regional, national | | | Urgency of issue | | | Specificity to forests versus cross sectoral | | | Importance of gap | | | National impact | | | Value added | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | S | M | L | S | M | L | S | M | L | S | M | L | S | M | L | S | M | L | S | M | L | S | M | L | S | M | L |
| 37. Primary forest conversion | X | | | | | | | | | | | | X | | | | | | | | | | | | | | |
| 38. Cultural and spiritual values | X | | | X | X | | | X | | X | X | | X | | | X | X | | X | | | | | | | | |
| 39. Maintaining a full range of forest values | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 40. Global functions | X | | | X | X | | X | | | | | | X | | | | | | | | | X | X | | | | |
| 41. Trade statistics accuracy | | | | X | | | X | X | | | | | X | | | X | | | | | | X | | | | | |
| 42. Coordination of international action on forests/cooperation | | | | X | X | | | | | | | | X | | | | | | | | | | | | | | |
| 43. Reform of institutions responsible for forest policy/permanent forum on forests | X | | | | X | | | | | | | | X | | | | | | | | | | | | | | |
| 44. Coordination of cross sectoral policies and programmes (international, national, sub national) | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 45. Capacity building | X | | | | X | | | | | X | | | X | X | | | | | | | | | | | | | |
| 46. Education and training | X | | | | X | | | | | | | | X | | | | | | | | | X | | | | | |
| 47. Public access to information/sharing information | X | | | | | | X | | | | | | X | | | | | | X | | | X | | | | | |
| 48. Financial mechanisms/forest investment | | X | | | X | | X | | | X | | | X | | | X | | | | | | X | | | | | |
| 49. Coordination of programmes of donors and recipients (including forest partnership agreements) | X | | | | | | | | | | | | X | | | X | | | X | | | | X | | | | |
| 50. National reporting | X | | | | | | X | | | X | | | X | | | X | | | | | | | | | | | |
| 51. Participation/empowerment | X | X | | X | X | | | | | | | | X | X | | X | X | | | | | X | X | | | | |
| 52. Gender | | | | | | | X | | | | | | | | | X | | | | | | X | | | | | |
| 53. Rights of indigenous people and local communities | X | | | | | | | | | | | | X | | | X | X | | | | | X | X | | | | |
| 54. Intellectual property rights | | X | X | | X | X | | X | | | X | | X | X | X | | X | X | | | | X | X | X | | | |

Criteria: Issue 37: no consensus under low probability; Issue 44: Impossible

- Importance of urgency lead to optimism in the future
- Question 52 and 42 strong divergence of opinion: problems linked to decentralization , to the non-congestion, to the participation

| Issue | 3 years – Short term | | 3-10 years – Medium term | | Low possibility | |
|---|---|---|---|---|---|---|
| | For | Criteria | Against | Criteria | No Opinion | Criteria |
| 37 | 5 | 1-5 | 1 | Difficult socio-economic conditions | 1 | Little consensus |
| 38 | 2 | 1-2-4-5-6-7 | 6 | 5-2-3-4-6 missing consensus | - | |
| 39 | 6 | Technology problem | 2 | Maintain or recognize | - | |
| 40 | 8 | 1-3-5-8-2 | 2 | 8-2 | - | |
| 41 | 8 | 5-2-8-6-3 | 1 | 3 | - | |
| 42 | 5 | 2-5 | 3 | 2 | - | |
| 43 | 7 | 1-5 | 2 | 2- time factor | - | |
| 44 | | | 8 | Complex | - | Impossible |
| 45 | 1 | 1-5 | 8 | 1-5-4 | - | |
| 46 | 7 | 1-5-2-8 | 1 | 8 | - | |
| 47 | 9 | 1-5-3-7-8 | - | | - | |
| 48 | 8 | 5-4-6-1-8 | 3 | 2-1 complex | - | |
| 49 | 9 | 5-1-6-7 | 1 | 8 | - | |
| 50 | 10 | 1-5-3-4-6-7 | 5 | | - | |
| 51 | 5 | 1-8-2-5-6 | 3 | 1-8-5-2-5-6 | - | 1-8-5-2-5-6 |
| 52 | 7 | 3-8-6 | 2 | Easy socio-economic conditions. Nation. | 1 | |
| 53 | 7 | 5-8-1-6 | 6 | 8-6 | 1 | 1-2-5-6-8 |
| 54 | 3 | 5-8 | | 7-1-2-3-4-6-8 | | 8 economic interests |

- Importance of urgency – optimism in the future
- Issues 52 and 42: strong divergence of opinion: problems lined to the centralization, the decongestion and the countries and community participation in the decision making process and the benefits sharing. Problems linked to good governance. Divergence on 42: linked to the experience of implementation of national forest action plans. The political level that will achieve the forest issues in the near future is reassuring for the donors' communities to significantly improve the treatment of those issues.
- Use of the criteria:
  - strong use: 5 (15 times): urgency of the issues
    8 (9 times): national importance
  - (in the short term) 1 (10 times): potential for consensus
    6 (8 times): specific to the forest issue
- Non-use of criterion 9: the criterion is premature in Step 3, may be more appropriate in future steps.
- Issue 48: on the financial mechanism and forest investment: it is important to balance between investment for forest development, the sustainable development of forest and private investment in the forest equipment and industry. In this case, the partnership between the State, the private sector and the communities should be a good solution.

| | |
|---|---|
| Issue 55 | Infrastructure development- Yes, may be advanced in the short term |
| Issue56 | Access to resources (natural resources, capital and other)<br>Natural resource- No go<br>Access to capital may be advanced in the medium to long term |
| Issue57 | Rural policy and land use.<br>Use may be advanced in the short term |
| Issue58 | Governance-the definition must include:<br>1. Clean government free of corruption<br>2. Transparency<br>3. Accountability<br>4. Participation<br>5. Upholding the rights of indigenous peoples and local communities.<br>NB. Even though governance may not be specifically dealt with in any instrument, it may be advanced as an |

| | |
|---|---|
| | issue in the short term, under new agreements.<br>It has been recognized also that governance as an element is cross sector al issue. |
| Issue58 | Sustainable development policy. This is an underlying issue but nothing sensible can be considered under a convention or treaty. |
| Issue60 | Policy for allocating forest concession. No relevant as an issue for an international instrument. |
| Issue61 | Partnership between the private sector, civil society and governments. It is proposed that issue No. 66 be included here. This issue may be advanced in an instrument in the short term |
| Issue62 | Monitoring of forest management activities. Yes. Suitable for inclusion in an international instrument. |
| Issue63 | Implementation of forest policy – (Delete maintenance). This was considered an integral part of governance and can be included in an international instrument. However it ought to be considered under issues 4 + 15. |
| Issue64 | Integrate Land use planning. This issue already exists under a number of international instruments and initiatives. Yet very little has been accomplished. Therefore more emphasis can be exercised through regional agreements. Alternatively replace "integrated" with "sound" this may fund inclusion in an international instrument in the medium term. |
| Issue65 | National Law enforcement. This is part of governance. Therefore may be included under that issue and not as stand-alone element. |
| Issue66 | Included in No. 61 |
| Issue67 | Benefit sharing. This is an important issue. Yes include for consideration in an international instrument in the medium term. |
| Issue68 | Deleted, same as No. 59 |
| Issue69 | Deleted, considered under No. 71 |
| Issue70 | Deleted |
| Issue71 | Modified to dispute settlement |
| Issue69 | However a review of this issue suggested that it could be considered as cross border effects as such this is an important issue and can be advanced under an international instrument. |
| Issue 72 | Research. Very important. There is the potential that this issue can be considered in an international instrument in a short term. |

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